

PTO/SB/17i (04-05)

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PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/828,949
Filing Date	April 21, 2004
First Named Inventor	Willis J. Mullet
Art Unit	
Examiner Name	
Attorney Docket Number	WAY.P.US0071

Enclosed is a paper filed under 37 CFR 1.48 that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-0987 :
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

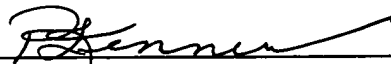
☒ Check in the amount of \$ 130.00 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,
Except for § 1.221 papers (Fee Code 1803)

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.


Signature
Phillip L. Kenner
Typed or printed name

September 26, 2005
Date
22,353
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/29/2005 HBIZUNES 00000035 10828949

130.00 OP

01 FC:1464



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of
WILLIS J. MULLET and
DONALD B. KYLE

Serial No. 10/828,949

Filed: April 21, 2004

For: DOOR OPERATOR
SYSTEM

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of this correspondence was deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 26th day of September, 2005.


Philip L. Kenner Reg. No. 22,353

Attorney Docket No. WAY.P.US0071

ASSENT OF ASSIGNEE TO ADDITION OF INVENTOR
37 C.F.R. § 1.48(a)(4)

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Wayne-Dalton Corp., a corporation of the State of Ohio, having a place of business at One Door Drive, P.O. Box 67, Mt. Hope, Ohio 44660, United States of America, states that:

it is the assignee of the entire right, title, and interest in patent application serial no. 10/828,949, entitled "Door Operator System" and filed on April 21, 2004, by virtue of an assignment from the inventors of the patent application identified above, which was submitted for recordation in the United States Patent and Trademark Office on April 21, 2004, and the assignment by David B. Davies submitted herewith. A copy of the Assignment and Assignment Cover Sheet recorded at Reel 015255 and Frame 0770-0773 on April 21, 2004, is attached.

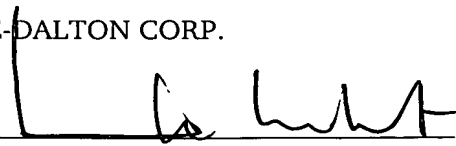
Assignee Wayne-Dalton Corp. hereby assents to the correction of inventorship filed herewith, which amends the inventorship to add previously unnamed inventor David B. Davies.

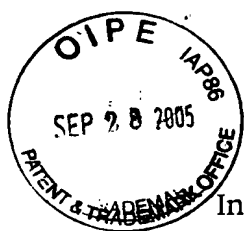
The undersigned is authorized to act on behalf of the assignee.

WAYNE-DALTON CORP.

9/20, 2005

By:


Willis J. Mullet
CEO



IFW

UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

WILLIS J. MULLET and
DONALD B. KYLE

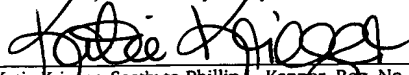
Serial No. 10/828,949

Filed: April 21, 2004

For: DOOR OPERATOR
SYSTEM

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of this correspondence was deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 27th day of September, 2005.


Katie Krieger, Sect'y to Phillip L. Kenner, Reg. No. 22,353

Attorney Docket No. WAY.P.US0071

**AMENDMENT TO ADD INVENTOR NOT NAMED IN ORIGINAL NON-
PROVISIONAL APPLICATION DECLARATION
37 C.F.R. § 1.48(a)**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


This amendment is to correct the incorrect original naming of inventors in the declaration filed on April 21, 2004 for application serial no. 10/828,949.

Please add the following previously unnamed person as inventor of this application:

David B. Davies
3378 Indian Hills Drive
Pace, Florida 32571
Santa Rosa County
citizen of the U.S.A.

Attached is a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his part; a declaration by each of the actual inventors; written assent of the assignee; and a fee payment as required under 37 C.F.R. § 1.17(i), fee code 1808.

Respectfully submitted,


Phillip L. Kenner, Reg. No. 22,353
RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
First National Tower, Fourth Floor
Akron, OH 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
Attorneys for Applicant

Date: September 26, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of)

WILLIS J. MULLET and)
DONALD B. KYLE)

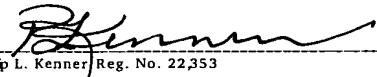
Serial No. 10/828,949)

Filed: April 21, 2004)

For: DOOR OPERATOR)
SYSTEM)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a copy of this correspondence was deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 26th day of September, 2005.


Phillip L. Kenner Reg. No. 22353

Attorney Docket No. WAY.P.US0071

**STATEMENT OF NO DECEPTIVE INTENT
BY ADDED INVENTOR
37 C.F.R. § 1.48(a)(1)**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I was erroneously omitted from the declaration filed on April 21, 2004, for Application Serial No. 10/828,949, entitled "Door Operator System." This error occurred without any deceptive intention on my part.

Respectfully submitted,

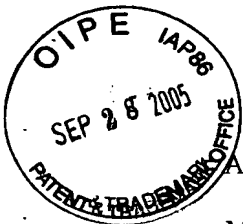


David Benjamin Davies
3378 Indian Hills Drive
Pace, Florida 32571
Santa Rosa County
citizen of the U.S.A.

Date: 9/20/05

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ENGLISH LANGUAGE DECLARATION



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

DOOR OPERATOR SYSTEM

the specification of which

___ is attached hereto.

x was filed on April 21, 2004, as Application Serial No. 10/828,949 and was amended on N/A.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

_____ Number	_____ Country	_____ Date Filed	_____ Yes	_____ No
_____ Number	_____ Country	_____ Date Filed	_____ Yes	_____ No

English Language Declaration

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No.	Filing Date	Status
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Application Ser. No.	Filing Date	Status
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and agent to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Phillip L. Kenner** (Reg. No. 22,353), Edward G. Greive (Reg. No. 24,726), Ray L. Weber (Reg. No. 26,519), Andrew B. Morton (Reg. No. 37,400), Shannon V. McCue (Reg. No. 42,859), Mark L. Weber (Reg. No. 46,069), Tama L. Drenski (Reg. No. 50,323) and Laura J. Gentilcore (Reg. No. 54,116), all members of the Bar of the State of Ohio, and whose mailing address is Renner, Kenner, Greive, Bobak, Taylor & Weber, First National Tower, Fourth Floor, Akron, Ohio 44308-1456; telephone: 330/376-1242; facsimile: 330/376-9646; e-mail address: rennerkenner@patlaw.com.

Send Correspondence to:

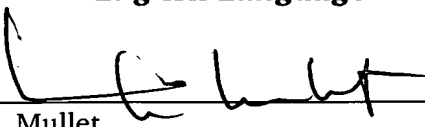
Phillip L. Kenner
RENNER, KENNER, GREIVE,
BOBAK, TAYLOR & WEBER
First National Tower, Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242

Direct Telephone Calls to:

Phillip L. Kenner
Telephone: (330) 376-1242

English Language Declaration

Inventor:


Willis J. Mullet

Date

9/20/05

Residence:

515 Deer Point
Gulf Breeze, Florida 32561
United States of America

Post Office Address:

515 Deer Point
Gulf Breeze, Florida 32561
United States of America

Citizenship:

United States of America

Inventor:


Donald B. Kyle

Date

9-20-05

Residence:

5431 Oakmont Drive
Pace, Florida 32571
United States of America

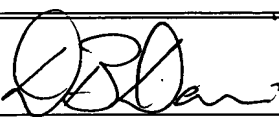
Post Office Address:

5431 Oakmont Drive
Pace, Florida 32571
United States of America

Citizenship:

United States of America

Inventor:


David B. Davies

Date

9/20/05

Residence:

3378 Indian Hills Drive
Pace, Florida 32571
United States of America

Post Office Address:

3378 Indian Hills Drive
Pace, Florida 32571
United States of America

Citizenship:

United States of America

FORM PTO-1595
(Rev. 6-93)

REC

04-28-2004

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

OMB No. 0651-0011 (exp. 4/94)



102732422

To the Honorable Commissioner of Patents and Trademarks, original documents or copy thereof.

1. Name of conveying party(ies):

WILLIS J. MULLET and DONALD B. KYLE

Additional name(s) of conveying party(ies) attached? ☒ Yes
☐ No

2. Name and address of receiving party(ies):

Name: WAYNE-DALTON CORP.

Internal Address:

Street Address: One Door Drive, P.O. Box 67

City: Mt. Hope State: Ohio ZIP: 44660

A corporation of the State of: Ohio (if applicable)

Additional name(s) & address(es) attached? ☒ Yes
☐ No19587 U.S. PTO
10/828949
042104

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: April 20, 2004

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: April 21, 2004

A. Patent Application No.(s)

B. Patent No.(s)

10/828949

Additional numbers attached? ☐ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Phillip L. Kenner, Esq.
Renner, Kenner, Greive, Bobak, Taylor & Weber

Internal Address:

Street Address: First National Tower, Fourth Floor

City: Akron State: Ohio ZIP: 44308-1456

6. Total Number of applications and patents involved:

One

7. Total fee (37 CFR 3.41): \$40.00

☒ Enclosed☒ Authorized to be charged to deposit account (Any Deficiencies Only)

8. Deposit Account Number:

18-0987

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Phillip L. Kenner
Name of Person Signing

Signature

April 21, 2004
Date

Total number of pages including cover sheet, attachments, and document: Four

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

04/27/2004 6TON11 00000138 10828949

01 FC:8021

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FORM PTO-1595
(Rev.6-93)

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

OMB. No. 0651-0011 (exp. 4/94)

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

WILLIS J. MULLET and DONALD B. KYLE

Additional name(s) of conveying party(ies) attached? ☐ Yes
☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

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Street Address: One Door Drive, P.O. Box 67

City: Mt. Hope State: Ohio ZIP: 44660

A corporation of the State of: Ohio (if applicable)

Additional name(s) & address(es) attached? ☐ Yes
☒ No19587 U.S. PTO
10/828949
042104

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A. Patent Application No.(s)

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Additional numbers attached? ☐ Yes ☐ No

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Renner, Kenner, Greive, Bobak, Taylor & Weber

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City: Akron State: Ohio ZIP: 44308-1456

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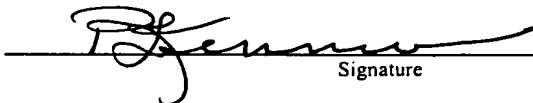
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Phillip L. Kenner

Name of Person Signing



Signature

April 21, 2004

Date

Total number of pages including cover sheet, attachments, and document: Four

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

ASSIGNMENT

WHEREAS I, Willis J. Mullet, a citizen of the United States of America, residing at Gulf Breeze, county of Santa Rosa, and state of Florida, and I, Donald B. Kyle, a citizen of the United States of America, residing at Pace, county of Santa Rosa, and state of Florida have invented certain new and useful improvements in

DOOR OPERATOR SYSTEM

WHEREAS, Wayne-Dalton Corp., a corporation duly organized and existing under and by virtue of the laws of the state of Ohio and having its principal office and place of business at One Door Drive, P.O. Box 67, Mt. Hope, OH 44660, is desirous of acquiring the entire right, title and interest in and to said invention, and in, to and under any application directed thereto and any Letters Patent of the United States or foreign countries which may be obtained therefor:

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

BE IT KNOWN that in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration by us received from Wayne-Dalton Corp., aforesaid, the receipt of which is hereby acknowledged, we, the said Willis J. Mullet and Donald B. Kyle, have sold, assigned, transferred and set over unto Wayne-Dalton Corp., aforesaid, its successors and assigns, the full and exclusive right to said invention in the United States and all foreign countries and in, to and under the application for Letters Patent of the United States therefor, executed by us on even date, and in, to and under any reissue, divisional, continuing or substitute application thereof or any corresponding application filed in a foreign country, and in, to and under any Letters Patent that may be issued for said invention in the United States or in any foreign country; and we do hereby covenant and agree for ourselves and our legal representatives to assist our said assignee in the prosecution of said application or applications and in any interference, reexamination or litigation which may arise involving our said invention or the said patent or patents, and to execute any reissue application thereon, or any reexamination, divisional, continuing, substitute or foreign application based on or corresponding to the above specifically identified application, as may be requested by our said assignee, and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States

upon the above specifically identified application for said invention to Wayne-Dalton Corp.,
aforesaid, as assignee of our entire right, title and interest in and to the same for the sole use
and benefit of our assignee, its successors and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20 day
of April, 2004.


WILLIS J. MULLET

STATE OF FLORIDA

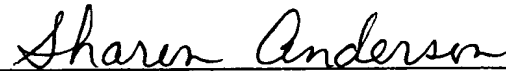
) SS

COUNTY OF ESCAMBIA

I, Sharon Anderson a Notary Public in and for the County and State
aforesaid, do hereby certify that WILLIS J. MULLET, personally known to me to be the
same person whose name is subscribed to the foregoing instrument, appeared before me this
day in person and acknowledged that he signed, sealed and delivered the said instrument as
his free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this
20 day of April, 2004.




Notary Public

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day
of April, 2004.


DONALD B. KYLE

STATE OF FLORIDA

) SS

COUNTY OF ESCAMBIA

I, Sharon Anderson, a Notary Public in and for the County and State aforesaid, do hereby certify that DONALD B. KYLE, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this 20 day of April, 2004.

Sharon Anderson

Notary Public





UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 25 2004

RENNER, KENNER, GREIVE,
BOBAK, TROSK & WEEER

OCTOBER 20, 2004

PTAS

RENNER, KENNER, GREIVE, BOBAK, ET AL
PHILLIP L. KENNER, ESQ.
FIRST NATIONAL TOWER, FOURTH FLOOR
AKRON, OHIO 44308-1456



102732422A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/21/2004

REEL/FRAME: 015255/0770
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MULLET, WILLIS J.

DOC DATE: 04/20/2004

ASSIGNOR:

KYLE, DONALD B.

DOC DATE: 04/20/2004

ASSIGNEE:

WAYNE-DALTON CORP.
ONE DOOR DRIVE, P.O. BOX 67
MT. HOPE, OHIO 44660

SERIAL NUMBER: 10828949

FILING DATE: 04/21/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: DOOR OPERATOR SYSTEM

015255/0770 PAGE 2

DOROTHY RILEY, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS